

Amendments to House Bill No. 415  
2nd Reading Copy

Requested by Senator Christine Kaufmann

For the Senate Highways and Transportation Committee

Prepared by Leanne Kurtz  
March 11, 2015 (2:29pm)

1. Title, line 7.

**Following:** "EXCEPTIONS;"

**Insert:** "PROHIBITING USE OF HAND-HELD ELECTRONIC COMMUNICATIONS  
DEVICES IN HIGHWAY WORK ZONES AND PROVIDING EXCEPTIONS;"

2. Page 4.

**Following:** line 19

**Insert:** "NEW SECTION. Section 3. Hand-held electronic  
communications device use prohibited in work zone -- exceptions.

(1) Except as provided in subsection (2), a person may not use or have in the person's immediate physical possession a hand-held electronic communications device while operating a moving motor vehicle on a roadway in a work zone, as defined in 61-8-314.

(2) The provisions of this section do not apply if:

(a) the vehicle has been driven off of or to the side of the roadway and has stopped in a location where it can safely remain stationary;

(b) the vehicle is temporarily stationary on the roadway in the work zone because traffic has been halted to facilitate the construction, repair, maintenance, or survey project; or

(c) the person operating the vehicle is:

(i) a highway worker, as defined in 61-8-301, who is directly engaged in the construction, repair, maintenance, or survey project for which the work zone was established;

(ii) using the hand-held electronic communications device to obtain emergency assistance, to report a police or fire emergency, or in the reasonable belief that an individual's life or safety is in danger;

(iii) an employee of a governmental fire agency, ambulance service, or law enforcement agency, is an emergency responder, or is the operator of an authorized emergency vehicle, as defined in 61-8-102, while operating an authorized emergency vehicle in the performance of the person's duties as an emergency service provider;

(iv) registered with a county sheriff to assist in emergency response and holds a valid amateur radio operator license issued by the federal communications commission and is using a two-way radio while engaged in an emergency response;

(v) employed as a commercial motor vehicle operator or a school bus driver and is using a hand-held electronic

communications device within the permissible scope of the person's employment; or

(vi) using a hands-free accessory.

(3) As used in this section, the following definitions apply:

(a) "Hand-held electronic communications device" means a hand-held or portable electronic device that uses shortwave analog or digital radio transmission between the device and a transmitter to permit wireless communications to and from the user of the device. A hand-held electronic communications device includes but is not limited to a cell phone, text messaging device, paging device, personal digital assistant, and tablet or laptop computer.

(b) "Hands-free accessory" means an external accessory that connects to a hand-held electronic communications device and enables the operator of a motor vehicle to use the hand-held electronic communications device without touching it.

(c) "Immediate physical possession" means touching the hand-held electronic communications device. Having the device on one's person or in a motor vehicle does not constitute immediate physical possession.

(4) A person who violates the provisions of this section is subject to the penalty provided in 61-8-314."

**Renumber:** subsequent section

3. Page 5.

**Following:** line 4

**Insert:** "NEW SECTION. **Section 5. {standard} Codification instruction.** [Section 3] is intended to be codified as an integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to [section 3]."

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